

HOOPA VALLEY TRIBE CALLS JUDGE'S WESTLANDS DECISION ON THE TRINITY RIVER A "SUBSTANTIAL SETBACK" FOR RIVER RESTORATION

Media Contacts: Clifford Lyle Marshall (530) 625-4211 ext.102
Mike Orcutt (530) 625-4267 ext. 13
Tod Bedrosian (916) 421-5121

Hoopla, Calif. – The Hoopa Valley Tribe today called U.S. District Court Judge Oliver Wanger's decision regarding the Trinity River, "a, substantial setback," for the restoration of the river's fishery. "Judge Wanger's decision is legal preface for another massive fish kill on the Klamath and Trinity Rivers," said Clifford Lyle Marshall, Chairman of the Hoopa Valley Tribe.

Wanger issued his decision Tuesday in a lawsuit filed in 2001 by agricultural and energy users against the U.S. Department of Interior (DOI) and the tribe. The users filed a lawsuit after the DOI agreed to retain more water in the river to restore the fishery.

Marshall said he was disappointed in Wanger's decision because the judge gave little weight to the 20 years of studies and environmental laws, including the 1992 Central Valley Project Improvement Act. The tribe and DOI had agreed to a restoration plan that continues to divert nearly 53 % of Trinity River water to out-of-basin agricultural and energy users who have historically taken up to 90% of the river's water in the past.

"This is especially devastating for the fish of the Trinity River because Judge Wanger's decision sets the stage for another massive fish kill next year on the Trinity and Klamath Rivers." Two months ago more than 30,000 salmon and steelhead died in the river because of low water levels said Marshall. The Trinity and Klamath Rivers runs through the Hoopa Valley Reservation in Humboldt County.

The tribe joined the DOI in defense of the agreement (Record of Decision) signed by Secretary of Interior Bruce Babbitt in 2000, after the Westlands Water District, the Sacramento Municipal Utility District and the Northern California Power Agency sued to have the restoration agreement set aside.

Wanger's decision ruled the DOI did not correctly follow the rules of the National Environmental Policy Act (NEPA) when they studied the effects of restoring the river. "The judge is critical of DOI, but it is ultimately the river and the fish that will have to pay the price." Marshall said the ruling did acknowledge the federal government has a trust responsibility to the Hoopa Valley and Yurok Indian Tribes, which Congress reaffirmed by agreeing to restore the river. "But this promise of trust responsibility is an empty falsehood if it can be set aside by this legal ruling," said Marshall.

"This is a very sad period for all Californians who value our state's environment. This court ruling sets politics and money over the lives of our fish, our river, and our way of life. We are sad as a tribe because we have lived in this valley for 10,000 years in balance and harmony with the river. But all Californians are losing something today," said Marshall.

He said the tribe is considering its legal options for an appeal to the Ninth Circuit Court of Appeals in San Francisco.